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October 28, 2024

VIA ELECTRONIC FILING

Hon. Mitchell J. Katz, U.S. Magistrate Judge
James M. Hanley Federal Building
100 S Clinton Street
Syracuse, New York 13261

Re: *Maddox v. Francemone*, Civil Case No.: 5:19-CV-00678 (BKS/MJK)

Dear Magistrate Judge Katz,

We, along with the Office of the Corporation Counsel, represent Defendant Kelsey Francemone in connection with this pending matter. I write to respectfully request the Court's issuance of a judicial subpoena relative to non-party witness Khalil Davis (who is presently confined to Orleans Correctional Facility in Albion, New York).

Briefly, in August 2023, and following the *second* deposition of Mr. Davis, Magistrate Judge Baxter granted Officer Francemone's request for the issuance of a judicial subpoena relative to communications by Mr. Davis while in the custody of New York State Department of Corrections and Community Supervision ("DOCCS"). *See* Dkt. Nos. [213](#), [214](#). Some of the communications that were received in response to that judicial subpoena were previously provided to the Court and were also discussed at length in several pretrial filings. *See* Dkt. Nos. [341](#), [343](#).

As our office has begun to prepare for trial (again), *see* Dkt. No. [348](#), I write to respectfully request the issuance of an *updated* judicial subpoena relative to Mr. Davis' communications. To that end, a proposed subpoena for the Court's review and signature is annexed hereto as **Exhibit "A."**

Very truly yours,

HANCOCK ESTABROOK, LLP

A handwritten signature in black ink, appearing to read 'Mary D'Agostino', is written over a horizontal line.

Mary L. D'Agostino

MLD/
Enclosure